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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,785	05/05/2000	SIMON A BEDDUS	36-1338	3443

7590 11/01/2005

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EXAMINER	
MEHRA, INDER P	
ART UNIT	**PAPER NUMBER**
2666	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/530,785	Applicant(s) BEDDUS ET AL.	
	Examiner Inder P. Mehra	Art Unit 2666	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that present invention provides an initial exchange of information performed by the devices , which informs a calling device of the various possible connection options (different network addresses and call control protocols) supported by the device to be called. The calling device then selects the most appropriate option and sets up the connection. None of the cited references addresses the problems associated with fully utilizing the different multi-functional ways in which terminal devices may communicate with each other, let alone providing the solution set forth by the present invention.

In response it is stated that these limitations are disclosed by Mikelaitis (exchanging (see figs. 5.3 and 5.8, paragraphs 5.4 and 5.5 respectively) between communication terminals ("customers") call control capability data ("signaling dialogue" refer to paragraph 4), which call control capability data identifies for each respective terminal al least a selected one or more of a plurality of different call control protocols (message sequences, refer to paragraph 4 and different network addresses, as recited by claims 2-3, 8-10 and 17-21 (individual characteristics), refer to parapaph 4; Further, setting up a call between the said communications terminals using call control protocols or network addresses identised in call control datè as recited by clalms 2-3, 8-10 and 17-21, (paragraph 4, capability data, setup control, refer to paragraph 4); wherein the exchanging of the call control capability data is carried outprior to initiating call sef up, as recited by claims 2-3, 8-10 and, 1 7-2.1, (once the network is able to proceed with the call (i.e all necessary information is available to the exchange) a signaling usociation over CCSS No. 7 is established between the calling and called exchanges , paragraph 5.4, once the D-channel signaling dialogue results in network wide colmection for user traffic- ---a customer can not only transfer information -but can also transfer user information, paragraph 5.5).wherein a flrst one of the commuting terminals initiates the exchange of call control capability------returns an acknowledgement to request ---includes call control capability data for - terminals as recited by claim 1, (messages of both groups, connect acknowledge, set up acknowledge), refer to paragraphs 5.4 and 5.5.

Mikelaitis discloses, "wherein the exchanging of the call control capability data is carried out prior to initiating call set up, as recited by claims 2, 1 7 and 18 as above;, as explained above;

However, Christensen discloses expressly, 'wherein the exchanging of the call control capability data is carried outprior to initiating call set up (a station--network determines the mode in which it communicates with a concentrator port by establishing a Registration routing--. The station and concentratorport exchange frames which disclosethe capabilities ofconcenlrator port, refer to abstract, and col. 2 lines 1 7-22.

Further, Mori, Naoki (EP 0606079) discloses explicily, "the call control capability data" (usef terminals transmit a signaling packet) wllich call control capability data identifles for each respective terminal at least a selected one of a plurality of different call control protocols and different network addresses (containing in it a source network address (a protocol identifier plus a source network address) and (a destination network address (the protocol and destination user address), refer to abstract and col.1 lines 15-20 and col. 1 line 56 through col. 2 line 6, col. 2 lines 18-22.

Mori, Naoki (EP 0606079) discloses explicitly, "wherein the exchanging of the call control capability data is carried out prior to initiating call set-up", refer to col. 1 lines 22-23 and col. 3 lines 30-34.

Yuasa discloses explicitly "call control capability data identities for each respective terminal a plurality of dilerent call control protocols and dilerent hetwork addresses" (At the third layer level of OSI protocol layer modelwith a plurality of network addresses depending on communication pl'otocol defined as client addresses. in conformity with the conventional standard. ---and VLAN group is supported for terminals in conformity with the conventional standard, refer to col. 22 lines 44-50; a plurality of virtual network groups (third layer level) different in communication protocol can be defined and a pltlrality of virtual custom groups can be defined at the application level, refer to col. 21 lines 59-65.)..

Inder Pal Mehra 10/31/05

DUNG TON
PRIMARY EXAMINER